

Interagency Branch Application/Notice

Interagency LPO Notice

Nebraska Department of Banking and Finance
<http://www.ndbf.org/>

1526 K Street Suite 300
PO Box 95006
Lincoln, NE 68509-5006
402-471-2171

Instructions

These instructions concern an application to establish or relocate a branch of a Nebraska state-chartered financial institution. Notification only is required to establish or relocate a loan production office (LPO). The application/notice addresses the requirements of your primary federal regulator (the FDIC, NCUA or Federal Reserve Bank). Upon completion, an originally signed application should be forwarded to this office as well as the FDIC, NCUA or Federal Reserve Bank. You are also directed to Paragraph 5 of the attached form regarding federal publication requirements.

Additionally, please be aware of the following Nebraska statutes:

Neb. Rev. Stat. § 8-149 states in part that investment in bank premises cannot exceed the paid-up capital stock, surplus, and capital notes and debentures of the bank. After consideration of all costs involved with this project, you should ascertain that completion of the branch or relocation project will not result in a level of bank premises assets which exceeds the stated limitation.

Neb. Rev. Stat. § 8-157 sets forth branching restrictions. You should familiarize yourself with these governing laws to ensure this application is in compliance with all appropriate provisions.

49 NAC 1, 2 and 3 should be reviewed as these are applicable rules for applications.

Financial institutions that are not members of the Federal Reserve System are required by the FDIC or NCUA to provide an affirmative statement as to whether the site is included in or eligible for inclusion in the National Register of Historic Places. The National Historic Preservation Act Form and instructions are available to assist management in meeting this requirement. The completed form should be mailed directly to the State Historic Preservation Officer (SHPO), Nebraska State Historical Society, 1500 "R" Street, Lincoln, NE 68508, along with the request that the SHPO return the form to the FDIC or NCUA within thirty days. The SHPO should also be advised that if additional information is needed, the request should be sent directly to the bank rather than to this office. FDIC or NCUA will act on applications prior to obtaining SHPO clearance; however, such approvals will be expressly conditioned upon obtaining clearance.

It will be expected that construction of the new quarters will not be commenced nor will the financial institution enter into non-cancelable construction contracts or lease agreements, etc., until such time as the application has the approval of both the Department of Banking and Finance and the appropriate federal regulatory agency.

Prepare the application in typewritten form and duplicate. Sign all papers with ink. Forward the original and one duplicate to this Department.

TYPE OF APPLICATION

1. Regarding the first line of information, circle whether this filing represents an application or is being made for notice purposes only, then check the appropriate box for establishment, relocation or discontinuance. Also check whether the application concerns a branch office location. The activity conducted at the location will determine whether the office is considered a branch under state or federal statutes.

APPLICANT INFORMATION

Name and Address: Financial Institution's full name and main address.

Correspondent: Provide the name and address of the individual the financial institution wants to handle any inquiries or requests concerning this application.

LOCATION

- Official Name: Provide the official, or trade name for the proposed entity, such as the "17th and Main", or "Wholesale Mart".
- Proposed Address: Provide the complete street address of the location where the bank wishes to establish or relocate a new entity.
- Address of Entity to be Discontinued: If the application involves the discontinuance, or relocation of an existing entity, provide the address of the location where the business will be discontinued.
- Proposed Effective Date: Indicate the date the financial institution wishes to effect the change. A subsequent notice of when the change actually took place may be required.

For additional information on the application process you may wish to contact the FDIC, NCUA, FRB and/or this Department before filing an application.

ANSWERS TO THE FOLLOWING QUESTIONS SHOULD BE PROVIDED IN LETTER FORM, AND ATTACHED TO THE APPLICATION'S COVER SHEET.

APPLICATION DETAILS

1. Only a brief description is necessary, such as full-service branch, or mortgage loan origination. It is not necessary to provide a complete laundry list of proposed activities, but just the principal purpose of the office.
2. If the proposed transaction will result in the purchase or lease of any asset from an insider, officer, director or 10 percent shareholder, or one of his/her interests, or result in the payment of money to an insider or one of his/her interests for services, please provide details.
3. Answer addendum questions by use of exhibits.
4. If applicant is providing notice pursuant to Neb. Rev. Stat. § 8-157 (7) to establish savings account programs at any elementary or secondary school, complete the face of the application titled Uniform Interagency Application/Notice. No additional information or fees are requested for notice of this savings account program.

Remit check or bank draft in the sum of \$250 for a branch application or relocation, as provided by Neb. Rev. Stat. § 8-602. No fees are assessed for notifying the discontinuance of a branch or for any loan production office.

If this application is for a branch or to relocate a branch, the Department will give notice of the application by publishing in a legal newspaper in the county where the proposed branch office is to be located. The applicant must pay the cost of publication and the newspaper will be instructed to bill the applicant accordingly. The Department will also provide notice of the application by certified mail to all financial locations within the county where the proposed branch or mobile branch will be located. At the Department's discretion, notice may also be published in the county where the main office of the branch is located. The applicant must pay the cost of certified mailing of notices.

Should substantive objections be filed in this office within fifteen days after publication, a hearing will be scheduled. Notice of the hearing shall be published for two consecutive weeks. The date of the hearing shall not be more than 90 days after the filing of the application and not less than 30 days after the publication of notice of the hearing. All expenses incurred, including that of the reporter who will prepare a transcript of the hearing, will be assessed pro rata to the applicant and protestant which will be in addition to the original \$250 filing fee. If no protests are filed, and the condition of the financial institution does not warrant a hearing, no hearing will be held.

